

**REMARKS**

Claims 1 - 72 and are pending, and claims 5 - 18 and 29 - 44 stand rejected. Claims 1 - 4, 19 - 28 and 45 - 72 have been previously withdrawn from consideration. Claims 1 - 72 have now been canceled and new claims 73 - 90 have been added. The applicant respectively requests allowance of new claims 73 - 90.

No new matter has been added. New claims 73 - 90 are supported in the specification in the following locations: Claim 73 starting on page 16, line 15 through page 19, line 20. Claim 74 starting on page 19, line 21 through page 22, line 6. Claims 75 and 76 starting on page 22, line 22 through page 23, line 4. Claims 77 - 80 starting on page 24, line 12 through page 28, line 16. Claim 82 on page 7, lines 14 - 16. Claim 83 on page 19, lines 27 - 30. Claim 84 on page 21, lines 8 - 10. Claims 85 - 87 starting on page 24, line 12 through page 28, line 16. Claims 88 and 89 starting on page 28, line 18 through page 29, line 19. Claim 90 starting on page 29, line 21 through page 30, line 12.

Claims 5, 7, and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Nishiyama et al (US 5307689) in view of Lanham et al (WO 01/65213), Japan 877 (JP 60-112877) and Storick (WO 95/06562). New claim 73 requires a flow meter having a flow tube that fits inside two cylindrical openings in the legs of a flow structure forming predefined gaps, where the flow tube is held in place using an adhesive placed into the predefined gaps. In the office action, Lanham et al was cited as the art that suggested using an adhesive instead of welding/brazing during manufacture of a flow meter so as to avoid microscopic cracks and thermal stress generated by a brazing operation. As noted above, Lanham et al is currently owned by the same company that owns the current invention. The common ownership existed at the time the invention of the current

application was made. Therefore Lanham can not be used as prior art for a 103 obvious type rejection for the current invention. Nishiyama et al (US 5307689), Japan 877 (JP 60-112877) and Storick (WO 95/06562) do not teach having a flow meter where the flow tube is held in place by adhesives. Nishiyama et al holds the flow tube in place by welding (see column 3, lines 41 – 52). None of the art cited teach having a flow meter where the flow tube is held in place by adhesives and there is no motivation in the cited art for modifying a flow meter to use adhesives. Therefore claim 73 is allowable as written. Claims 74 – 90 are dependent on allowable claim 73 and are therefore allowable.

#### Conclusion

Based on the above remarks, the Applicants submit that claims 73 – 90 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 73 – 90.

Any fees may be charged to deposit account 502622.

Respectfully submitted,

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**SIGNATURE OF PRACTITIONER**

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